



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

# HARVARD LAW REVIEW

VOL. XVIII.

1904—1905

CAMBRIDGE, MASS.  
THE HARVARD LAW REVIEW ASSOCIATION  
1905

*Copyright, 1904,*  
BY THE HARVARD LAW REVIEW ASSOCIATION

# TABLE OF CONTENTS.

## ARTICLES.

	PAGE
ADMIRALTY, THE EXTENSION OF THE FELLOW SERVANT DOCTRINE TO THE. <i>Frederick Cunningham</i> . . . . .	294
AUSTRALIA, McCULLOCH <i>v.</i> MARYLAND IN. <i>H. B. Higgins</i> . . . . .	559
BANKRUPTCY, ANCILLARY RECEIVERSHIPS IN. <i>Lee Max Friedman</i> . . . . .	519
BANKRUPT PARTNERSHIPS AND PARTNERS, DISTRIBUTION OF ASSETS OF. <i>William J. Shroder</i> . . . . .	495
BASSE <i>v.</i> BELLOMONT: AN EARLY DECISION ON INTERCOLONIAL RIGHTS. <i>Chauncey G. Parker</i> . . . . .	483
BELLIGERENT, THE RIGHT OF A, TO DESTROY A CAPTURED PRIZE. <i>Francis J. Swayze</i> . . . . .	284
CLOSED MARKET, THE UNION SHOP, AND THE COMMON LAW, THE. <i>William Draper Lewis</i> . . . . .	444
CONGRESS, THE POWER OF, TO REGULATE RAILWAY RATES. <i>Victor Morawetz</i>	572
CONTRACT, ASSIGNABILITY OF. <i>Frederic C. Woodward</i> . . . . .	23
CONTRACTS AND BUSINESS IN NEW YORK, INTERFERENCE WITH. <i>E. W. Huffcut</i> . . . . .	423
CONTRACTS, DISCHARGE OF, BY ALTERATION, I., II. <i>Samuel Williston</i> . . . . .	165
EQUITABLE CONVERSION, I., II., III. <i>C. C. Langdell</i> . . . . .	1, 83, 245
FOREIGNERS, JURISDICTION IN ACTIONS BETWEEN. <i>A. Pillet</i> . . . . .	325
GAGE OF LAND IN MEDIEVAL ENGLAND, THE, II. <i>Harold D. Hazeltine</i> . . . . .	36
ILLEGAL ACT AS A DEFENSE IN ACTIONS OF TORT, THE PLAINTIFF'S. <i>Harold S. Davis</i> . . . . .	505
INSURANCE CASES, WAIVER IN. <i>John S. Ewart</i> . . . . .	364
INTESTACY, THE MEDIEVAL LAW OF. <i>Charles Gross</i> . . . . .	120
JURISDICTION IN ACTIONS BETWEEN FOREIGNERS. <i>A. Pillet</i> . . . . .	325
JURISPRUDENCE, THE DEVELOPMENT OF, DURING THE PAST CENTURY. <i>Joseph H. Beale, Jr.</i> . . . . .	271
MCCULLOCH <i>v.</i> MARYLAND IN AUSTRALIA. <i>H. B. Higgins</i> . . . . .	559
MOTIVE OF THE ACTOR, HOW FAR AN ACT MAY BE A TORT BECAUSE OF THE WRONGFUL. <i>J. B. Ames</i> . . . . .	411
MUNICIPALITIES, SPECIAL LEGISLATION FOR. <i>Harry Hubbard</i> . . . . .	588
PARTNERSHIPS AND PARTNERS, DISTRIBUTION OF ASSETS OF BANKRUPT. <i>William J. Shroder</i> . . . . .	495
POSSESSION. <i>Albert S. Thayer</i> . . . . .	196
PRESIDENTIAL SUCCESSION ACT OF 1886, THE. <i>Charles S. Hamlin</i> . . . . .	182
RAILWAY RATES, THE POWER OF CONGRESS TO REGULATE. <i>Victor Morawetz</i>	572
RECEIVERSHIPS IN BANKRUPTCY, ANCILLARY. <i>Lee Max Friedman</i> . . . . .	519
RIPARIAN RIGHTS IN THE UNITED STATES, TIDE-FLOWED LANDS AND. <i>William R. Tillinghast</i> . . . . .	341
TORT BECAUSE OF THE WRONGFUL MOTIVE OF THE ACTOR, HOW FAR AN ACT MAY BE A. <i>J. B. Ames</i> . . . . .	411
TORT, THE PLAINTIFF'S ILLEGAL ACT AS A DEFENSE IN ACTIONS OF. <i>Harold S. Davis</i> . . . . .	505
WAIVER IN INSURANCE CASES. <i>John S. Ewart</i> . . . . .	364

## INDEX-DIGEST.

References in heavy-faced type are to NOTES; in plain type to RECENT CASES; and in italicized type to ARTICLES. Criticisms of articles in other publications are indicated in the annual periodical index which follows this index.

## A

**ACCESSION.**

See *Damages*.

**ACCOMMODATION PAPER.**

See *Bills and Notes*.

**ACCORD AND SATISFACTION.**

**Validity:** Retention of sum sent as full payment of an unliquidated claim. 617

**ACCOUNT.**

**Equitable remedies upon obligation to account:** Bill against fraudulent confuser. 64

**ACTIONS.**

Particular forms of action, see *Forma Pauperis*.

**ADMIRALTY.**

**Jurisdiction:** Tests of jurisdiction over torts. 299

**Torts:** Extension of fellow-servant rule. 294-297

The "last chance" rule. 537

**ADMISSIONS.**

**By conduct:** Payment into court. 460

**ADVERSE POSSESSION.**

See also *Color of Title*; *Quieting Title*.

**Continuity of adverse possession:** Grantee of one having title by adverse possession. 62

**Who may gain title by adverse possession:** Rights resulting from adverse possession of one claiming less than the fee. 380

**AGENCY.**

See also *Brokers*; *Choses in Action*; *Innkeepers*; *Insurance*.

**Nature and incidents of the relation:** Knowledge of agent; when imputable to principal. 617

**Principal's rights against agent:** Principal's right to agent's illegal profits. 309

**Principal's liability to third persons in tort:** Restriction of choice to licensed class. 225

Stock certificate forged by secretary of company. 144

**Independent contractors:** Landowner's liability to invited person. 144

Lessee railroad as independent contractor. 152

**ALIENS.**

See also *Chinese Exclusion Act*.

**Exclusion of aliens:** whether a judicial question. 390

**ALTERATION OF INSTRUMENTS.**

See also *Bills and Notes*.

**Alteration by holder:** effect of authorization by obligor. 115, 116

— Effect of ratification by obligor. 117, 118

**Alteration by one of several joint obligors.** 118

**Alteration of writing before execution.** 178-179

**Assignment of altered contracts.** 173-175

**Difference in effect of alteration of contract by holder and by stranger.** 113-114

**Difference in effect of alteration of deed of conveyance upon corporeal and upon incorporeal hereditaments.** 106

**Difference in effect upon covenants and conveyances.** 105-112

**Effect of alteration of mortgage deed.** 111

**Instances of immaterial alterations.** 170-173

**Instances of material alterations.** 166-170

**Pleading and evidence.** 179-181

**Rule as to discharge of covenants applied also to simple contracts.** 112-113

**When a debt survives where the writing is destroyed.** 175-178

**ANIMALS.**

See *Railroads*.

**APPEAL AND ERROR.**

**Review:** Right to review facts in election contests. 153

**APPORTIONMENT.**

See *Corporations (Stockholders)*; *Trusts*.

**ASSIGNMENTS.**

See *Bills and Notes*; *Choses in Action*; *Landlord and Tenant*.

References in heavy-faced type are to NOTES; in plain type to RECENT CASES; and in italicized type to ARTICLES. Criticisms of articles in other publications are indicated in the annual periodical index which follows this index.

## ASSIGNMENTS FOR CREDITORS.

**Marshaling assets:** Surrender of securities as condition to proving for whole claim. 144

## ATTACHMENT.

See *Transfer of Stock*.

## ATTORNEYS.

**Relation between attorney and client:** Effect of dissolution of law partnership. 69

# B

## BAIL.

Liability to answer charges not named in bond. 539

## BAILMENTS.

**Gratuitous bailments:** Nature and extent of liability of gratuitous bailee. 539

## BANKRUPTCY.

See also *Conflict of Laws; Partnership; Receivers*.

**Petitions in bankruptcy: involuntary proceedings:** Computing number of creditors. 62

Petitioner estopped by participation in appointment of receiver. 390

**Preferences:** The attitude of bankruptcy courts toward preferences. 55

Perfecting an inchoate right as a preference. 606

**Rights and duties of bankrupt:** Bankrupt a constructive trustee of concealed assets. 63

**Provable claims:** Tort claim arising from fraud. 309

Part payment for breach of trust by co-trustee. 464

**Priority of claims:** Right of partnership creditors to share in individual estate. 390

**Discharge:** Interpretation of statute. 225

**Compositions:** Effect of Bankruptcy Act of 1898 on compositions. 59

## BANKS AND BANKING.

See also *Corporations*.

**Deposits:** Creation of trust by deposit in savings-bank. 70

**Collections:** Liability of depository bank. 300

**Banker's lien:** Requirement of notice. 310

## BILLS AND NOTES.

**Negotiability:** Restriction of the power of assignment. 306

**Checks:** Death of drawer: effect as between bank and holder. 390

Effect of duplicate check. 464

**Defenses:** Liability for fraudulent alterations of negligent party. 226

Lack of due presentment. 617

Transfer of accommodation paper after maturity. 615

**Doctrine of Price v. Neal:** Recovery by drawee paying forged draft. 539

**Delivery:** Accommodation paper discounted by other than payee. 145

## BILLS OF LADING.

Acceptance: failure of shipper to read terms. 465

Bills of lading as security for advances. 307

## BONDS.

Bail bond, see *Bail*.

## BROKERS.

Broker's right to commission before sale he has negotiated is consummated. 309

## BURDEN OF PROOF.

See also *Insane Persons*.

**Proof of main issue:** Quantum of proof in civil action based on crime. 539

**Duty of going forward with evidence in particular cases:** Performance of conditions of escrow. 66

*Res ipsa loquitur* as applied to injuries of servants. 391

# C

## CANCELLATION OF INSTRUMENTS.

Deeds: effect of cancellation upon title. 107-112

## CARRIERS.

See also *Railroads*.

**Duty to transport and deliver:** Waiver of right to demand bill of lading. 63

**Custody and control of goods:** When a carrier becomes warehouseman. 145

References in heavy-faced type are to NOTES; in plain type to RECENT CASES; and in italicized type to ARTICLES. Criticisms of articles in other publications are indicated in the annual periodical index which follows this index.

- Connecting lines:** Presumption as to lost goods. 391
- Who are passengers:** *Res ipsa loquitur*. 391
- Tickets:** Statute of limitations as applied to. 396
- Personal injuries to passengers:** Insults by servant. 145
- Duty to accept and carry passengers:** Blindness as ground for rejection. 540
- CHAMPERTY AND MAINTENANCE.**
- General policy of the modern law. 222
- CHARITIES AND TRUSTS FOR CHARITABLE USES.**
- Creation and enforcement of charitable trusts:** Control of property on division of church-membership. 310
- CHATTEL MORTGAGES.**
- Recording and registry:** Constructive notice. 54, 391
- CHINESE EXCLUSION ACT.**
- Who is Chinese laborer. 399
- CHOSES IN ACTION.**
- See also *Alteration of Instruments*.
- What may be assigned.**
- Contract: right to benefit and control of performance. 24
- Contract of agency: assignment by employer of rights accompanied by delegation of duty. 31-32
- Contracts of independent contractors: assignment of rights accompanied by delegation of duties. 32-33
- Contracts of sale: assignment by buyer of rights accompanied by delegation of duty. 27-31
- Contracts of sale: assignment by seller of rights accompanied by delegation of duty. 24-27
- What contracts may be assigned so as to relieve assignor of liability. 33-35
- Proceeds of future sales. 618
- Manner and effect of assignment:** Effect of statute requiring real party in interest to sue. 63
- COLOR OF TITLE.**
- Title-bonds as color of title. 534
- CONFLICT OF LAWS.**
- See also *Corporations*.
- Recognition of foreign judgments:** Decree of adoption obtained by fraud. 315
- What judgments must be recognized under federal constitution. 544
- Concurrent jurisdiction:** Doctrine of "federal common law." 134
- Jurisdiction for divorce:** Separate domicile of wife. 311
- The requirement of actual notice to non-resident defendants. 215
- Remedies: right of action:** Action barred by foreign statutes of limitation. 220
- Jurisdiction of courts over suits to which all parties are foreigners. 325-340
- Marriage:** Capacity of parties decided by law of place of celebration. 226
- Rights in property:** Validity of foreign chattel mortgages. 145
- Obligations ex delicto: creation and enforcement:** Enforcement of statutory action in foreign jurisdiction. 64
- Insolvency and bankruptcy:** Ancillary receiverships. 519-526
- Whether state law governs admissibility of claim in bankruptcy court. 465
- CONFUSION OF GOODS.**
- Analogy between confusion of goods and of accounts. 64
- CONSTITUTIONAL LAW.**
- See also *Aliens; Conflict of Laws; Eminent Domain; Extradition; Federal Courts; Interstate Commerce; Judgments; Police Power*.
- Nature and development of constitutional government:** An early decision on intercolonial rights. 483-494
- Construction, operation, and enforcement of constitutions:** Exemption of federal agencies from state control under Australian constitution. 559-571
- Separation of powers:** Exclusion of aliens as a judicial question. 64
- Imposition of penalty by assessor. 540
- Due process of law:** Postponement of trials. 311
- Rights against action by individuals. 391
- Statute authorizing *subpoena* to compel citizen of one state to testify in another. 466
- Imposition of penalty by assessor. 540
- Trial by jury:** Protection afforded by the fourteenth amendment in crimes against the state. 136
- Vested rights:** Public office not property. 146
- Personal rights: civil, political, and religious:** Breach of contract of servant made indictable. 146

References in heavy-faced type are to **NOTES**; in plain type to **RECENT CASES**; and in italicized type to **ARTICLES**. Criticisms of articles in other publications are indicated in the annual periodical index which follows this index.

Restriction of hours of labor on public works.	311, 392
Restriction of hours of labor in bakeries.	618
<b>Privileges and immunities: class legislation:</b> Act allowing private claim against state.	465
Discriminating regulation of street railway rates.	618
<b>Constitutionality of particular acts:</b> The Presidential Succession Act of 1886.	182-195

### CONSTRUCTIVE TRUSTS.

<b>Misconduct by non-fiduciaries:</b>	
Bankrupt a constructive trustee of concealed assets.	63
Title acquired by murderer held subject to constructive trust.	146
<b>Effect of statute of frauds:</b> Absolute conveyance and oral promise to recovery: its effect.	614

### CONTEMPT.

<b>Acts and conduct constituting contempt:</b> Libel of a judge after satisfaction of judgment.	392
---	-----

### CONTRACTS.

See also <i>Champerly and Maintenance</i> ; <i>Choses in Action</i> ; <i>Illegal Contracts</i> ; <i>Offer and Acceptance</i> ; <i>Rescission</i> ; <i>Specific Performance</i> .	
<b>Defenses: impossibility:</b> Impossibility by law as excuse for breach of contract.	384
Impossibility caused by voluntary dissolution of partnership.	392
Legal impossibility caused by act of defendant.	64
<b>Defenses: fraud:</b> Validity of fraudulently obtained contract purporting to waive defense of fraud.	466
<b>Discharge of contracts:</b> Discharge by alteration.	105-119, 165-181
<b>Particular classes of contracts:</b>	
Options: unwarrantable extension of doctrine of equitable conversion to.	10-14
Options: rights and liabilities under option contracts.	457
<b>Remedies for breach:</b> Judgments on instalments already defaulted a bar to recovery for remainder.	619

### CONTRIBUTORY NEGLIGENCE.

See also <i>Railroads</i> .	
<b>In general:</b> The "Last Chance" doctrine in admiralty.	537
<b>Imputed negligence:</b> Negligence in the case of a gratuitous passenger.	219
Parent's default a defense in action by child.	311

### CORPORATIONS.

See also <i>Agency</i> ; <i>Conflict of Laws</i> ; <i>Mortgages</i> ; <i>Receivers</i> .	
<b>Citizenship of corporation:</b> Federal jurisdiction in eminent domain proceedings.	468
<b>Promoters:</b> Lease to corporation to be formed.	620
<b>Corporate powers and their exercise:</b> Power of corporation to purchase its own shares.	531
<b>Directors and other officers:</b> Director loaning to the corporation.	312
Duties of directors: duty to act in body.	540
<b>Stockholders: rights incident to membership:</b> Right of pre-emption at par.	541
Vesting of stockholder's rights in trustees.	533
Distribution of dividends between life tenant and remainder-man.	621
Enforcement of statutory liability in foreign jurisdictions.	620
<b>Stockholders: individual liability to corporation and creditors:</b> Individual liability as affected by transfer of stock.	455
Nature of liability of stockholders in national bank.	620
<b>Ultra vires: effects of:</b> Exercise of general corporate power for particular <i>ultra vires</i> purpose.	463
General discussion.	461
<b>Foreign corporations:</b> Whether a single transaction may constitute the doing of business.	146
What constitutes doing business.	619
Corporation formed in one state to transact business in another.	226
Law applicable to liability of stockholders for debts of corporation.	452
<b>COSTS.</b>	
Security for costs: bond of non-resident.	227
<b>COVENANTS RUNNING WITH THE LAND.</b>	
See also <i>Restrictions and Restrictive Agreements as to the Use of Property</i> .	
Fencing: right to recover against assignee of covenantor.	214
<b>CRIMINAL LAW.</b>	
See also <i>Homicide</i> ; <i>International Law</i> .	
<b>Defenses:</b> Justification under prior decision of court.	541
<b>Insanity:</b> Burden of proof.	312
<b>Negligence:</b> Responsibility for failure to use prayer.	621
<b>Acquiescence for detection:</b> En-	



References in heavy-faced type are to NOTES; in plain type to RECENT CASES; and in italicized type to ARTICLES. Criticisms of articles in other publications are indicated in the annual periodical index which follows this index.

couragement of crime by public officials.	65
<b>Statutory offenses:</b> Interpretation of statute penalizing sale of oleomargarine.	467

<b>Former jeopardy:</b> Continuous offense.	227
Right of state to appeal.	216
<b>Estoppel:</b> Prisoner estopped to deny illegality of his acts.	467

## D

**DAMAGES.**

<b>Exemplary damages:</b> Plaintiff entitled as matter of right.	228
<b>Measure of damages:</b> Right of recoupment for improvements to converted property.	305
<b>Excessive damages:</b> <i>Remittitur</i> by appellate court.	312

**DANGEROUS PREMISES.**

See also *Landlord and Tenant*.

<b>Liability to trespassers:</b> Liability of third person for condition of premises.	150
<b>Liability to licensees:</b> Firemen as licensees.	397
<b>Liability to invited person:</b> Liability for acts of independent contractor.	144

**DEATH BY WRONGFUL ACT.**

<b>Statutory liability in general:</b> Expectancy of wife material because of purpose of recovery as shown by disposition of damages.	146
---	-----

**DEEDS.**

See also *Cancellation of Instruments; Escrows.*

<b>Construction and operation in general:</b> Operation of quitclaim deeds under recording acts.	621
--	-----

**DESCENT AND DISTRIBUTION.**

The mediæval law of intestacy.

120-131

**DISSEISIN.**

<b>General nature and effect of disseisin:</b> Purchaser from disseisor has constructive notice of deed to disseisee.	623
Restrictive covenants after disseisin of covenantor.	608

**DIVORCE.**

See also *Conflict of Laws*.

<b>Alimony:</b> Payment after death of husband.	541
---	-----

**DUE PROCESS OF LAW.**

See under *Constitutional Law*.

## E

**EASEMENTS.**

See also *Ejectment*.

<b>Modes of acquisition:</b> prescription: Beginning of prescriptive period.	313
Use under mistake as basis for prescriptive right.	314
<b>Extinguishment and revival:</b> Suspension because of misuser.	608

**EJECTMENT.**

Interference with easement: railroad right of way.	542
--	-----

**ELECTION OF REMEDIES.**

Set-off in assumpsit on waiver of tort.	398
---	-----

**ELECTIONS.**

Apportionment of illegal votes.	228
Effect of improper emblem on validity of ballots.	467

**EMINENT DOMAIN.**

See also *Federal Courts; Corporations*.

<b>What property may be taken:</b>	
------------------------------------	--

Land already occupied for railroad purposes.	313
Condemnation by electric power companies.	528

**EQUITABLE CONVERSION.**

General discussion of actual as distinguished from equitable conversion.	1-22, 83-104
General historical and analytical discussion.	1-22, 83-104, 245-270

**EQUITABLE ELECTION.**

Bequest by donee of power to one entitled in default of appointment.	393
Confusion of the doctrine of equitable election with estoppel by deed.	302

**EQUITY.**

See also *Injunctions; Interpleader; Quieting Title; Receivers; Rescission; Restrictions and Restrictive Agreements as to the Use of Property; Specific Performance*.

<b>Jurisdiction:</b> Prevention of nuisance:	
--	--

References in heavy-faced type are to **NOTES**; in plain type to **RECENT CASES**; and in italicized type to **ARTICLES**. Criticisms of articles in other publications are indicated in the annual periodical index which follows this index.

whether exercise of jurisdiction discretionary.	149	Post-testamentary declarations of testator.	387
Winding up a benefit society.	147	Statements implying intention to commit suicide as proof of subsequent act.	393
<b>Procedure</b> : Necessary parties to suit.	57	<b>Opinion evidence</b> : Handwriting: testing witness by writings only partially disclosed.	468
<b>ESCROWS.</b>		<b>Character</b> : Character of third persons as evidence of their acts.	459
<b>Deeds</b> : Burden of proof of performance of condition.	66	<b>Documents</b> : Secondary evidence: altered instrument as evidence.	107-109, 180-181
Subsequent sale by grantor before happening of contingency.	138	<b>EXECUTORS AND ADMINISTRATORS.</b>	
<b>ESTOPPEL.</b>		<b>Rights, powers, and duties</b> : In general.	224
<b>Estoppel in pais</b> : Estoppel in criminal law.	467	Liability for default of co-executor.	148
Failure to act.	140, 468, 622	<b>Proceedings by or against</b> : Right of holder of contingent claim to have assets set aside.	66
Nature and rights of an estoppel-asserter.	302	Right to appeal from decision in favor of legatee.	394
<b>EVIDENCE.</b>		Right lost by laches.	542
See also <i>Admissions</i> ; <i>Presumptions</i> ; <i>Witnesses</i> .		<b>Administration bonds</b> : Surety's liability for debt of insolvent administrator.	394
<b>General principles and rules of exclusion</b> : Court's discretion to exclude cumulative evidence.	381	<b>EXEMPTIONS.</b>	
<b>Confessions</b> : Criminating statements elicited on cross-examination.	65	See <i>Garnishment</i> .	
<b>Declarations against interest</b> : Admissibility after absence for seven years.	471	<b>EXTRADITION.</b>	
Admissibility to contradict record title.	65	<b>Interstate extradition</b> : Defense of statute of limitations.	228
<b>Declarations in the course of duty</b> : Entries made by person other than original observer.	52	<b>International extradition</b> : Application of <i>Gaynor</i> and <i>Greene</i> for <i>habeas corpus</i> .	542
<b>Declarations concerning intention, feelings, or bodily condition</b> : Declarations of present pain necessarily implying past suffering.	148		

F

<b>FEDERAL COURTS.</b>		— rails of street railways.	610
<b>Jurisdiction and powers in general</b> : The United States a party.	314	Right to remove trade fixtures: general discussion.	
<b>Jurisdiction based on diversity of citizenship</b> : Jurisdiction in eminent domain proceedings.	468	<b>FOREIGN CORPORATION.</b>	
<b>Relations of state and federal courts</b> : Effect of decision of state court on the validity of a statute under the state constitution.	134	See under <i>Corporations</i> .	
<b>FENCES.</b>		<b>FORMA PAUPERIS, ACTIONS IN.</b>	
Fencing statutes: liability of railroads under, for damage to trespassing animals.	69	Interpretation of statute permitting.	547
<b>FINDING LOST GOODS.</b>		<b>FORMER JEOPARDY.</b>	
See <i>Title, Ownership, and Possession</i> .		See under <i>Criminal Law</i> .	
<b>FIXTURES.</b>		<b>FRANCHISES.</b>	
Removal: new lease to old tenant.	67	Taxation of franchises.	233
What may be fixtures: electric cars.	394	<b>FRAUDULENT CONVEYANCES.</b>	
		<b>Transfers for value</b> : Covenant in consideration of marriage to convey all after-acquired property.	149
		<b>Rights of creditors</b> : conveyance by husband to wife in performance of contract.	469

References in heavy-faced type are to NOTES; in plain type to RECENT CASES; and in italicized type to ARTICLES. Criticisms of articles in other publications are indicated in the annual periodical index which follows this index.

## G

**GAME.**

Nature of a landowner's right to kill game. 458

**GARNISHMENT.**

Exemption of wages: estoppel to claim statutory exemption. 543

**GIFTS.**

*Gifts causa mortis*: Donee already in possession. 394

## H

**HIGHWAYS.**

Establishment: Use under a mistake as the basis of a prescriptive right. 314

Rights and remedies of abutters: Action by specially assessed proprietor. 229

Injuries from obstructions, etc.: Liability of persons obstructing for injuries to passers-by. 149

Liability of street railway for interference with unlawful obstruction in highway. 303

**HISTORY OF LAW.**

Constitutional law: An early decision on intercolonial rights. 483-494

Property: Gage of land in mediæval England. 36-50

The mediæval law of intestacy. 120-131

Miscellaneous: Development of jurisprudence during the nineteenth century. 271-283

**HOMICIDE.**

Suicide: Accessories before the fact. 229

**HUSBAND AND WIFE.**

See also *Fraudulent Conveyances*; *Divorce*; *Witnesses*.

Rights of husband against wife and in her property: When the property is conveyed to the wife's separate use by the husband. 67

Contracts between husband and wife: Avoidance of statute rendering such contracts unenforceable. 67

Wife's separate estate: Effect of married women's property acts on estate by entirety. 395

Marriage settlements: Covenant to purchase and settle land effecting equitable conversion. 256-265

**HYPNOTISM.**

See *Witnesses*.

## I

**ILLEGAL CONTRACTS.**

See also *Restraint of Trade*.

Contracts against public policy: Contract to convey all after-acquired property. 622

**INDEPENDENT CONTRACTOR.**

See *Agency*.

Assignments of rights and duties by, see *Choses in Action*.

**INDIANS.**

Power of government agent to collect tax levied by Indian tribe. 314

**INJUNCTIONS.**

Acts restrained: Enforcement of judgment by default entered on false return of service. 395

Acts contributing to infringement of patent. 151

Nuisances. 149

**INNKEEPERS.**

Duties to travelers and guests: Liability for torts of servant. 67

**INSANE PERSONS.**

Liability for crimes: Burden of proving insanity in criminal cases. 312

**INSURANCE.**

Insurance agents: Agent as agent of insured to fill out application. 469

Insurable interest: Reassignment of policy to person without such interest. 396

Marine insurance: Abandonment and subrogation in. 383

Law peculiar to special kinds of insurance — mutual benefit insurance: Right of executor to sue for death benefit fund. 67

Employers' liability insurance:

References in heavy-faced type are to NOTES; in plain type to RECENT CASES; and in italicized type to ARTICLES. Criticisms of articles in other publications are indicated in the annual periodical index which follows this index.

Right of employee against insurer before satisfaction of judgment.		Crime on high seas: jurisdiction over same.	304
<b>Waiver of condition:</b> Election, not waiver, the doctrine really involved in the cases.	395 364-378	<b>INTERPLEADER.</b>	
<b>Construction of particular words and phrases in standard forms:</b> Change in "Interest, title or possession."	543	Effect of prior decree in favor of one defendant.	315
<b>INTERNATIONAL LAW.</b>		<b>INTERSTATE COMMERCE.</b>	
See also <i>Extradition; War.</i>		What constitutes interstate commerce: Agreement by beef dealers in restraint of interstate trade.	469
<b>Nature and extent of sovereignty:</b>		<b>Control by Congress:</b> Power of Congress to regulate railway rates.	572-587
		<b>Control by states:</b> The doctrine of original packages.	530

## J

<b>JOINT DEBTORS.</b>		<b>Foreign judgments:</b> Decree of adoption obtained by fraud.	315
Effect of alteration of instrument of obligation with knowledge of one obligor.	118	"Full faith and credit" under U. S. constitution.	544
<b>JOINT WRONGDOERS.</b>		<b>JURISPRUDENCE.</b>	
Judgment as to one and nonsuit as to other.	229	Development during nineteenth century.	271-283
<b>JUDGMENTS.</b>		Jurisdiction in actions between foreigners.	325-340
See also <i>Res Judicata.</i>		Justification of criminal act under prior decision of court.	541
<b>What constitutes a judgment:</b> Decree of foreclosure.	315	<b>JURY.</b>	
<b>Essentials to validity:</b> Default for failure to answer.	469	See also <i>Trial.</i>	
<b>Setting aside and vacating judgments:</b> Judgment by default entered on false return of service.	395	Challenge for cause; service on former trial.	229
<b>Operation as bar to other actions:</b> Judgment against one joint wrongdoer and nonsuit as to the other.	229	Peremptory challenges; number allowed when several indictments are consolidated.	230

## L

<b>LANDLORD AND TENANT.</b>		<b>Lapsed bequests:</b> Application of statute preventing lapse.	622
See also <i>Restrictions and Restrictive Agreements as to the Use of Property.</i>		<b>Void or voidable bequests and devises:</b> Husband or wife of attesting witness as legatee.	474
<b>Assignment and sub-letting:</b> Reversionary lease to distrain: right of lessee.	396	Legacy upon secret trust for witness.	316
<b>Repair and use of premises:</b> Hidden dangers in premises: lessor's duty to warn tenant.	316	<b>Marshaling:</b> Right of devisee of mortgaged estate to claim exoneration out of pecuniary legacies.	221
<b>Tenancies from year to year and month to month:</b> Holding over with consent of one of co-owners.	70	<b>LIBEL AND SLANDER.</b>	
<b>LAW SCHOOL.</b>		Privileged communications: The limits of absolute privilege attaching to legislative and judicial reports.	142
Advisability of substituting doctor's for bachelor's degree at Harvard Law School.	51	<b>LIENS.</b>	
Notes on Harvard Law School.	51, 132	Banker's lien: requirement of notice.	310
<b>LEGACIES AND DEVISES.</b>			
See also <i>Executors and Administrators.</i>			

References in heavy-faced type are to NOTES; in plain type to RECENT CASES; and in italicized type to ARTICLES. Criticisms of articles in other publications are indicated in the annual periodical index which follows this index.

**LIMITATION OF ACTIONS.**

See also *Adverse Possession*.

**Nature and construction of statute:** Statutory liability: what law governs. 220

**Accrual of action:** City warrants. 230

District warrants. 544  
**Operation and effect of bar by limitation:** Effect upon right to extradition. 228  
 Railway tickets. 396  
**Ignorance or fraud:** Fraudulent concealment of cause of action. 623

## M

**MALICIOUS PROSECUTION.**

**Probable cause:** Preliminary injunction as evidence of probable cause. 544

**MANDAMUS.**

**Acts subject to mandamus:** Refusal of a court to transfer a cause from the law to the equity docket. 397

**MARRIAGE.**

See under *Conflict of Laws*.

**MARSHALING ASSETS AND SECURITIES.**

See also *Assignments for Creditors*.

The equity of marshaling: general discussion. 453

**MASTER AND SERVANT.**

**Duty of master to provide safe appliances:** Contracts limiting liability. 316

**Fellow-servant and vice-principal doctrines:** Extension to admiralty. 294-297

Who is vice-principal. 382

**MINES AND MINERALS.**

Liability for trespass of a person tunneling under another's claim. 68

**MISTAKE.**

See *Quasi-Contracts; Rescission*.

**MORTGAGES.**

See also *Alteration of Instruments; Marshaling Assets and Securities*.

**Nature and effect of mortgage:** Gage of land in mediæval England. 36-50

**Equitable mortgages:** Right to rents and profits. 544

**Rights and liabilities of parties:** Compensation. 231

**Priorities:** Priority of subsequent creditors over a corporate mortgage. 605

Successive assignees of a mortgage debt, each with a legal *res*. 135

**Transfer of rights and property:** The land as debtor and the mortgagor as surety. 545

Right of devisee of mortgaged estate to claim exoneration out of pecuniary legacies. 221

**Merger of interests:** Discharge of the obligation. 150

**Foreclosure:** Effect of usury on rights of purchaser of equity of redemption. 68

**MUNICIPAL CORPORATIONS.**

**Municipal property:** Exemption from state taxation. 385

**Liability for torts:** Condition of streets. 470

**Actions by and against municipal corporations:** Accrual of action on city warrants. 230

**Legislative control:** Folly of prohibiting special legislation. 588-604

## N

**NATIONAL BANKS.**

See *Corporations*.

**NEGLIGENCE.**

See also *Criminal Law*.

Imputed negligence, see under *Contributory Negligence*.

**Duty of care:** Degrees of negligence. 536

Liability of third party for injuries to trespasser. 150

Prevention of escape of unhealthful air. 68

**Defenses:** Illegality of plaintiff's act as a defense. 505-518

**NEW TRIAL.**

**Grounds for granting new trial:** Improper conduct of counsel. 317

**NOTICE.**

**Constructive notice by possession.** 218

**Constructive notice:** purchaser from disseisor has notice of deed to disseisee. 623

**NUISANCE.**

**Accrual of action:** Negligence as the basis of the plaintiff's right when his injury is not to his property but to his person. 68

**Equitable relief:** Whether discretionary or of right. 149

References in heavy-faced type are to **NOTES**; in plain type to **RECENT CASES**; and in italicized type to **ARTICLES**. Criticisms of articles in other publications are indicated in the annual periodical index which follows this index.

## O

**OFFER AND ACCEPTANCE.**

**Bilateral contracts:** Implied acceptance of terms of bill of lading. 465

**Revocation of offer:** Communication of revocation. 139

Necessity of communication; theory of *Dickinson v. Dodds*. 139

## P

**PARTIES.**

Necessary parties in general. 57

**PARTNERSHIP.**

**Rights and remedies of creditors:**

Distribution of assets of bankrupt partnership and partners. 495-504

Right of partnership creditors to share in individual estate. 390

**Dissolution and winding-up:** Effect upon contracts. 392

Termination of contracts between attorney and client. 69

**PAROL EVIDENCE RULE.**

**Construction of documents:** Rule applied to third parties. 231

**PATENTS.**

Infringement: injunction against acts contributing to infringement. 151

Desirability of a single court of patent appeals. 217

**PHYSICIANS AND SURGEONS.**

Necessity of patient's consent to operation. 624

**PLEADING.**

Appropriate pleading in case of alteration of instrument. 179-181

Defense of purchase for value. 470

**PLEDGES.**

Wrongful sale or repledge by a pledgee. 610

**POLICE POWER.**

**Regulation of business and occupations:** Charges of employment agencies. 151

Horseshoers required to pass examination. 471

**POWERS.**

Execution of power: effect of appointment in accordance with bargain. 545

**PRESCRIPTION.**

See *Easements*.

**PRESUMPTIONS.**

**Nature and scope:** Relation of presumptions to evidence. 546, 624

**Existence and effect of presumptions in particular cases:**

Death after seven years: declarations against interest. 471

Questions of marketable title: presumption that a woman of advanced years is incapable of childbearing. 545

Loss of goods by connecting carrier. 391

**PRIVACY, RIGHT OF.**

**Infringement of the right:** Unauthorized use of portrait for advertising purposes. 625

**PURCHASERS FOR VALUE WITHOUT NOTICE.**

See *Pleading*.

## Q

**QUASI-CONTRACTS.**

**Waiver of tort:** Set-off in assumpsit on waiver of tort. 398

**Rights arising from mistake of fact:** recovery of over-payment by trustee. 546

**QUIETING TITLE.**

Bill to remove vendor's lien when claim for purchase price is barred by limitations. 471

Removal in favor of adverse possessor of cloud on title. 147

What constitutes a cloud on title. 527

## R

**RAILROADS.**

**Liability to employees:** Lessor's liability to lessee's employees. 152

**Liability to trespassers:** Contributory negligence. 231

Trespasser on train injured by collision. 397

References in heavy-faced type are to NOTES; in plain type to RECENT CASES; and in italicized type to ARTICLES. Criticisms of articles in other publications are indicated in the annual periodical index which follows this index.

**Liability for damage to animals:**  
Animals trespassing on adjacent property: under fencing statutes. 69

## RECEIVERS.

Interference with receivers by foreclosing lien obtained on tax sale. 232  
Pendency of numerous actions against corporation as ground for appointment. 398  
Ancillary receiverships in bankruptcy. 519-526

## RECORDING AND REGISTRY LAWS.

See also *Conflict of Laws*; *Deeds*.  
**Effect of recording in general.**  
Admissibility of declarations against interest to contradict record title. 65  
Title not affected by cancellation of indorsement. 110  
**Notice by record:** Constructive notice to one claiming no interest in the property. 54  
Limitations of the doctrine of constructive notice by possession. 218

## RESCISSION.

**Rescission upon other party's breach, repudiation, etc.:**  
Breach without repudiation as cause for rescission. 61  
**Rescission for mistake:** Unilateral mistake. 624

## RES IPSA LOQUITUR.

See *Burden of Proof*.

## RES JUDICATA.

**What judgments are conclusive:**  
Effect of judgment by dismissal. 60

**Matters concluded:** Applied to matters of law. 389

## RESTRAINT OF TRADE.

See also *Torts*.

**Combinations by agreements as to products or prices:** Beef dealers combining to control market: "Beef Trust" case. 469  
**Contracts to employ only union men:** Validity. 471  
**State anti-trust legislation:** Construction of. 624

## RESTRICTIONS AND RESTRICTIVE AGREEMENTS AS TO USE OF PROPERTY.

Change in character of locality as ground for refusing injunction where duration of covenant is limited. 472  
Enforcement of restrictions: suit by intermediate lessor. 151  
Enforcement of restrictions: who may enforce. 535  
Implied right of covenantor to similar covenants from his purchaser. 152  
Restrictive covenants after the disseisin of the covenantor. 608

## RULE AGAINST PERPETUITIES.

Interests subject to rule: options to purchase fee. 379  
Remote bequest by donee of power to one entitled in default of appointment: equitable election. 393  
Time of vesting and not the duration of the estate the test. 232  
Rule against possibility on possibility. 623

# S

## SALES.

Assignment of rights and duties under contract of sale, see *Choses in Action*.  
**Conditional sales:** Forfeiture of instalments. 611  
**Rights and remedies of seller:** Specific performance at law. 298  
**Rights and remedies of buyers:** Duty to furnish cars. 233  
Right of inspection in sales C. O. D. 386  
**Title of goods subject to bill of lading:** Bills of lading as security for advances. 307  
**Warranties; remedies for breach:** Remedy for breach of warranty of title. 152

## SCHOOLS AND SCHOOL DISTRICTS.

Discriminating regulation of street railway rates in favor of school children. 618

## SET-OFF AND COUNTERCLAIM.

Claim in *assumpsit* on waiver of tort. 398

## SPECIFIC PERFORMANCE.

See also *Statute of Frauds*.

**General nature and scope of equitable relief:** Adequacy of legal remedy in contracts for sale of land. 625  
Insolvency. 454  
**Affirmative contracts:** Options. 457

References in heavy-faced type are to NOTES; in plain type to RECENT CASES; and in italicized type to ARTICLES. Criticisms of articles in other publications are indicated in the annual periodical index which follows this index.

**STATES.**

See *Constitutional Law (Class Legislation)*.

**STATUTE OF FRAUDS.**

See also *Constructive Trusts*.

**Part performance:** Part performance without a change of possession. 137

**Interest in lands:** Whether consent of cestui to transfer by trustee must be in writing. 53

**Sufficient memorandum:** Undelivered deed as memorandum. 626

**STATUTES.**

**Amendments:** Effect on act previously amended. 233

**Interpretation:** Statute permitting action in *forma pauperis*. 547

**SUBROGATION.**

Rights of insurer, see *Insurance*.

**SURETYSHIP.**

**Surety's defenses:** absence, extinction, or suspension of principal obligation: Right to control application of payments. 399

— **variation of risk:** Effect of plaintiff's breach of contract to insure. 626

— **miscellaneous defenses:** Non-liability for debt of administrator insolvent when appointed. 394

## T

**TAXATION.**

**Particular forms of taxation:** Franchise tax on insurance companies applies only to premiums paid under subsequent contracts. 233

**Exemptions:** municipal property. 385

**Collection and enforcement:** Assumption of invalid taxes. 472

**TELEGRAPH AND TELEPHONE COMPANIES.**

**Liability to addressee:** Liability for delay or non-delivery. 234

**TENANCY IN COMMON.**

**Leases** — Liability of firm of one tenant in common for holding over. 70

**Possession of one tenant in common as constructive notice.**

**TENDER.**

**Payment into court:** effect as admission. 460

**TITLE, OWNERSHIP, AND POSSESSION.**

**Finding lost goods:** landowner's rights to chattels there found. 317

**Nature and essential elements of possession.** 196-213

**Rights incident to ownership of land:** right to kill game. 458

**Things subject to ownership as property:** oysters. 472

**TORTS.**

See also *Admiralty; Agency; Bankruptcy; Dangerous Premises; Highways; Joint Wrongdoers; Municipal Corporations; Nuisance; Railroads*.

**General nature of tort-liability:** Malice, nature and effect of. 411-422

**Liability of maker or vendor of a chattel to third person injured**

**by its use:** Nature and grounds of liability in general. 318

**Existence of tort liability in various unusual cases:** Liability of proprietor of public resort for insult to guests. 153

**Interference with business or occupation:** The closed market and the union shop. 444-451

**General discussion of law in New York.** 423-443

**Defenses:** Illegal act of plaintiff. 505-518

**TRADE MARKS AND TRADE NAMES.**

**Marks and names subject to ownership:** Personal names. 318

**Geographical names.** 234

**Rights of a person to trade in his own name.** 56

**TRADE UNIONS.**

See also *Torts*.

**Contracts to employ only union men:** Validity of. 471

**TRANSFER OF STOCK.**

**Attachment by creditor of transferrer:** rights when transfer not recorded, where creditor has actual notice. 473

**Individual liability of stockholders as affected by.** 455

**TRIAL.**

**Verdicts:** Unanimity of jury upon grounds of verdict. 547

**TROVER AND CONVERSION.**

**Damages:** Right of recoupment for improvements to converted property. 305



References in heavy-faced type are to NOTES; in plain type to RECENT CASES; and in italicized type to ARTICLES. Criticisms of articles in other publications are indicated in the annual periodical index which follows this index.

**TRUSTS.**

- See also *Bankruptcy*; *Banks and Banking*; *Constructive Trusts*.  
**Creation and validity**: Definiteness of cestui: whether necessary. 529  
 Voluntary creation of trust by deposit in savings-bank. 70, 626  
**Cestui's interest in the res**: Apportionment of loss between tenant for life and remainderman. 318  
**Following trust property**: Conveyance by trustee with consent of

cestui: application of statute of frauds. 53

- Powers and obligations of trustees**: Liability for interest. 70  
**Rights and liabilities of third parties**: Successive assignments of mortgage debt. 135  
**Resulting trusts**: Effect of grant for illegal purpose. 547  
 Effect of indeterminate contribution to purchase price. 473

## U

**UNFAIR COMPETITION.**

See *Restraint of Trade*; *Torts*; *Trade Marks and Trade Names*.

**UNITED STATES.**

United States a party in federal court.

314

**USES.**

Personalty under Statute of Uses. 234

**USURY.**

See *Mortgages*.

## V

**VENDOR AND PURCHASER.**

See *Restrictions and Restrictive Agreements as to Use of Property*; *Quieting Title*.

**VERDICT.**

See under *Trial*.

**VOLUNTARY ASSOCIATIONS.**

Equitable jurisdiction to dissolve. 147

## W

**WAIVER OF TORT.**

See *Election of Remedies*.

**WAR.**

Right to destroy a captured prize.

284-293

**WARRANTY.**

See *Sales*.

**WATERS AND WATER-COURSES.**

**Natural watercourses**: riparian rights: Riparian rights of railway company to abstract water for supplying locomotives. 71

Right to natural flow. 234

**Subterranean and percolating waters**: Percolating waters: landowner's right of appropriation. 71

**Tidal waters**: Tide-flowed lands and riparian rights in the United States.

341-363

**Surface waters**: Right to drain surface water from adjoining land. 626

**WILLS.**

See also *Evidence*; *Legacies and Devises*.

**Execution**: Attesting witnesses: husband or wife of legatee as witness. 474

Signature of testator at end of will. 627

**Construction**: Provision against contest. 153

Implied devise. 548

**Nuncupative wills**: meaning of phrase "last sickness." 548

**WITNESSES.**

See *Wills*.

**Competency in general**: Competency of promisee to testify in suit by beneficiary son. 548

Competency of one spouse to testify against the other. 613

**Privilege against self-incrimination**: Production of documents. 234

**Privileged communications**: Physician: waiver of privilege. 399

**Impeachment**: Previous hypnotism of witness. 627

## BOOK REVIEWS.

	PAGE
Alderson: A Practical Treatise on the Law of Receivers . . . . .	631
Amos and Arminjon: A Collection of Problems and Exercises in the Civil and Commercial Law of Egypt . . . . .	324
Baldwin: American Railroad Law . . . . .	79
Bate: Notes on the Doctrine of Renvoi in Private International Law . . . .	158
Bateson: Borough Customs (Publications of the Selden Society) . . . . .	407
Beale: The Law of Foreign Corporations . . . . .	480
Bodington: An Outline of the French Law of Evidence . . . . .	242
Clark: A Treatise on Street Railway Accident Law. Second edition . . . .	78
Clephane: The Organization and Management of Business Corporations . . .	556
Copyright Cases. Compiled by Arthur S. Hamlin . . . . .	162
Current Law. Edited by George Foster Longsdorf and Walter A. Shumaker .	322
Cyclopedia of Law and Procedure. Edited by William Mack, Vols. XI. and XII.	79, 80
Dictionary of Legal Quotations. Edited by James William Norton-Kyshe . .	557
Dunlap: Abridgment of Elementary Law . . . . .	632
Edgington: The Monroe Doctrine . . . . .	404
Fairlie: The National Administration of the United States of America . . .	634
Farnham: The Law of Waters and Water Rights . . . . .	77
Flanders: An Exposition of the Constitution of the United States. Fifth edition	81
Frost: A Treatise on the Incorporation and Organization of Corporations . .	482
Gaius: Institutes of Roman Law with a Translation and Commentary by the Late Edward Poste. Fourth edition by E. A. Whittuck . . . . .	633
Goddard: Outlines of the Law of Bailment and Carriers . . . . .	405
Goddard: Selected Cases on the Law of Bailment and Carriers . . . . .	405
Gould: The National Bank Act . . . . .	243
Gould and Blakemore: The Bankruptcy Act of 1898 . . . . .	80
Hughes: Handbook of Jurisdiction and Procedure in United States Courts . .	481
Ingalls: An Outline of Municipal Government in the City of New York . . .	409
Ingersoll: Handbook of the Law of Public Corporations . . . . .	323
Joyce: A Treatise on Damages . . . . .	406
Lewis: Cases on Restraint of Infringement of Incorporeal Rights . . . . .	242
McClain: Constitutional Law in the United States . . . . .	555
Maitland: Year Books of Edward II. Vol. II. (Publications of the Selden Society)	553
Majumdar: The Hindu Wills Act, with Notes and Commentaries . . . . .	634
Nellis: Street Railroad Accident Law . . . . .	78
Patterson: The United States and the States under the Constitution. Second edition. Edited by Robert P. Reeder . . . . .	323
Pillet: Principes de Droit International Privé . . . . .	554
Pollock: The Expansion of the Common Law . . . . .	163
Pollock: The Law of Torts. Seventh edition! . . . . .	161
Pomeroy: Code Remedies. Fourth edition. Revised and Enlarged by Thomas A. Bogle . . . . .	160
Probate Reports Annotated. Edited by Geo. A. Clement . . . . .	243
Radcliffe and Miles: Cases Illustrating the Principles of the Law of Torts . .	159
Robbins: A Treatise on American Advocacy . . . . .	241
Rood: A Treatise on the Law of Wills . . . . .	409
Rowe: The United States and Porto-Rico . . . . .	162

	PAGE
Selected Statutes, Cases, and Documents to Illustrate English Constitutional History. Edited by C. Grant Robertson . . . . .	556
Snyder: The Interstate Commerce Act . . . . .	241
Street Railway Reports. Vol. II. Edited by Frank B. Gilbert . . . . .	557
Tompkins: A Summary of the Law of Private Corporations . . . . .	163
Vance: Handbook of the Law of Insurance . . . . .	239
Wiener: Studies in Biblical Law . . . . .	408
Wigmore: A Treatise on the System of Evidence in Trials at Common Law . . . . .	478
Willard: Notes to the Spanish Civil Code . . . . .	161
Willoughby: The American Constitutional System . . . . .	635
Young: Political and Constitutional Study of the Cumberland Road . . . . .	240